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Report prepared by the North Wales Minerals and Waste Planning Service on behalf of Powys County Council in response to a pre application submission for a:

Energy Recovery Facility in the form of a gasification plant capable of handling up to 100,000 tonnes per annum of residual municipal solid wastes and commercial and industrial wastes sourced from Powys and surrounding areas as a feedstock." At Buttington Quarry.

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1. The pre application proposal (As described within the pre application form submitted)

The scheme proposes the construction and operation of an Energy Recovery Facility in the form of a gasification plant capable of handling up to 100,000 tonnes per annum of residual municipal solid wastes and commercial and industrial wastes sourced from Powys and surrounding areas as feedstock.

The proposed ERF at Buttington Quarry has the potential to make an important contribution to waste management in Mid Wales and the surrounding areas and fulfil the aspirations of the Welsh Government and Powys County Council for effective future waste management. The operation of the facility will generate renewable energy in the form of electricity and heat and will result in a move away from reliance on landfill as the means of disposing of waste towards a system that recovers valuable resources in an effective and efficient manner.

The proposed ERF is currently being designed, and this process will have an influence on the precise location of the facility, its scale and appearance. The operational aspects of the development will be based on a similar facility designed by the technology provider, Energos, in Northern Ireland. Energos also has sites in operation or under construction in Glasgow, Milton Keynes and the Isle of Wight. The process proposed is a well-established process employed throughout the UK and mainland Europe.

Layout & Dimensions

The proposed ERF will occupy approximately 2 hectares within the Quarry footprint. It will be made up of the following principal elements (dimensions indicative at this stage)

- (a) A waste reception hall – This will house the unloading area, the waste and fuel bunkers and the recycling area. All waste material will be unloaded inside this building. The waste reception hall will extend to approx. 16m in height and be connected to the main energy recovery building.*
- (b) The energy recovery hall – This will house the majority of process plant and will have a flue stack. At its highest point, the main body of the building will be approximately 22.5m to eaves height, 83m long and 50m wide. It is anticipated that the flue stack will extend to approximately 45m high above existing ground levels, although the final height of the stack will be dependent on the air quality assessment. The lime and carbon store, along with the dust*

silo and filters will be housed externally and bottom ash will be stored within the ash bay within the main building

- (c) Boiler house / Combined Heat and Power room – This will be within the Energy Recovery Hall and will have pipe connections available to allow for the export of steam to the adjacent industrial facilities.*
- (d) Turbine building – This will be a smaller separate building connected to the ERF building via inlet pipework and the ACC via outlet pipework and approx. 15.6m high.*
- (e) Air Cooled Condenser (ACC) would be 24.5m high and will be supported on a frame approx. 10 high allowing traffic to pass underneath if required. The ACC will be located close to the main ERF and Turbine building.*
- (f) Office/Control Room (3 floors) and associated car parking – The ancillary elements of the ERF will be housed within an integral building and appropriately designed parking adjacent to the offices.*

Further developments will include

A weighbridge

Fire water tank

Electricity sub-station

Internal roads and entrances

2.4m high boundary fence

Landscaping and Sustainable Urban Drainage Systems (SUDS)

Cycle store

The attached plans illustrate

The site location

The approximate red line boundary

Indicative layout (subject to change)

Indicative elevations (subject to change)

Screen shots from a similar facility in Lisburn, Northern Ireland

Process Description

The ERF will be designed to accept up to 100,000 tonnes of residual waste per annum. It will employ a two stage system that first gasifies the waste to produce a

synthetic gas which is then transferred to a second stage where it is oxidized. Changing the waste to a gas fuel, means the burning environment can be finely controlled, dioxins thoroughly destroyed and Nitrogen Oxides emissions minimized which can achieve emissions levels that are compliant with the European Waste Incineration Directive (EU WID).

The Facility will be capable of receiving different waste streams, including:

Municipal Solid Waste

Commercial Waste

Industrial Waste

Combustible element of Construction and Demolition waste (wood?)

On arrival, the waste vehicles will report to the weighbridge where waste documentation, waste carrier certificates and transfer notes will be checked to ensure compliance with the Duty of Care Regs and Environmental Permit.

The reception hall will be closed with fast acting doors and the hall will operate under negative pressure to draw odours and dust. The air from the hall will be taken through the thermal conversion process to allow it to be cleaned before being released through the stack.

Waste vehicles will reverse into the reception hall and the fast closing doors will close behind before any waste is unloaded. The delivered waste will be unloaded into the waste bunker within the reception hall.

Unprocessed waste will be removed from the waste bunker and passed through a shredder before passing underneath an overhead magnet where ferrous metals will be removed. The shredded waste will then be conveyed to the adjoining fuel bunker.

Overhead fuel cranes operating on a pre-programmed cycle will move the waste around the fuel bunker to mix the fuel to create a more homogeneous mixture. The cranes will then deliver waste automatically to the fuel delivery hopper serving each gasification unit.

The facility will provide a number of specific benefits including:

The maximisation of the recovery of resources through recycling and production of energy in the form of electricity and heat

Certainty over the long-term use of Buttington Quarry

A safe and sustainable alternative to landfill for the waste residues from local homes and businesses that are left after recycling and composting

The supply of electricity to the National Grid or the supply of heat and/or electricity to local existing and future industrial/commercial developments

Employment for approximately 30 new permanent staff when it is operational as well as over 200 jobs for the three year construction period

The proposal will help achieve local, regional and National targets for landfill diversion to be met or even exceeded and therefore avoid costly fines.

The local economy will benefit from increased employment opportunities, sustained by wages and salaries received and spent in the local economy by people directly employed at the facility and through the use of local services

The ERF will provide cost effective, efficient and reliable solutions for dealing with non-recyclable wastes.

2. Minutes of meeting between Powys Council representatives and the proposed applicant 23rd September, 2015

Attendees

Local Authority Representatives

Graham Astley – Highways

Paul Wozencraft – Highways

Paul Bufton – Environmental Health

David Jones – Trunk Road Agency

Gary Nancarrow – Minerals and Waste Planning

Robin Williams – Minerals and Waste Planning

Applicant Representatives

Alistair Hilditch-Brown – Broad Environmental Limited

Judith Harper – Waste & Resources Projects Limited

Rick Bright – Bright & Associates (Landscape and visual)

Will Ryan – SLR Consulting

Richard Hilditch – Land Owner

David Hilditch – Land Owner

Alistair Hilditch-Brown – Background to the scheme

1. This proposal has been 12 months in the making. The development team has been in consultation with Mr Ashley Collins, Nigel Bryn (Powys CC),

Adrian Jones, Joe Smith, Andy Rees, Tal Maynard (WG) together with Scottish Power (Llandinam Repowering project re capacity) so as to push this proposal forward.

2. Such a development will restrict the amount of waste being sent to landfill
3. The proposal will process 93,600 tonnes per annum and produce 10MW of Electricity. There would be no flexibility in the tonnage – although there will be two operating lines and the plant could potentially run on less, for financial reasons it will need to be running at the 93,600 tpa figure.
4. It will deal only with Welsh Waste. There will be two streams of waste – (i) Local Authority Residual Waste (Powys C.C.) Circa 37,000 tpa. Which would be subject to securing the procurement contract (ii) Commercial and Industrial Waste – an agreement is in place to accept 50,000 tpa of Ash Waste Services' residual waste (Wrexham company operating across North Wales and the North West of England) which is currently being sent for Energy Recovery at Runcorn.
5. Should the plant through its Combined Heat and Power capabilities meet the R1 requirements by utilising 1MWth of heat; a 25% discount on gate fees will be given to Powys that could amount to a saving of £1,000,000 per annum for the Local Authority. Poly tunnels have been considered as a potential user of waste heat.
6. 25% of the waste processed will be available in the form of Incineration Bottom Ash. This will be dealt with off site at Wrexham.
7. Energos will be the tech provider for the facility and they have over 500,000 hours of working ERF experience across Europe – They have operating plants in Glasgow, Milton Keynes and the Isle of Wight.
8. The site was selected as it was considered to be: well screened, located on an established mineral site, within close proximity to the Llandinam repowering power lines
9. The Broad Energy Group will secure the necessary waste contracts and AMEY or Veolia will then run the facility.
10. Questions were asked by RWW if the facility can operate below the 93,600tpa threshold, should the amount of waste feedstock fall. An answer was given by AHB that for financial reasons, the facility must process this amount, and if waste feedstocks dry up, the facility has the capabilities to process different feedstocks.
11. WR, stated that there is flexibility in the technology that would allow the facility to operate on less as there will be two lines in operation. If required the facility can only operate one line.

Will Ryan – SLR Consulting

12. The built element of the proposal will be of standard construction, the site amounts to 2ha. It will include a main building that will house the waste reception area, waste bunker, energy recovery hall, flue stack, boiler house. Further erections would include the turbine building, air cooled condensers and office buildings.
13. The vehicular access to site will utilise the existing access to site, rather than the consented new access originally granted in 2001 and recently granted an extended commencement date until the year 2020.
14. Sustainable Urban Drainage System to be included in the design of the facility together with grey water recycling.
15. In preparing a planning application Environmental Management Surveys have been undertaken including:- Phase 1 Ecological, DNA testing of water bodies for the presence of Newts. Dispersion, air quality and odour assessments are to be undertaken, preliminary noise measurements have been undertaken.
16. Although not formally screened they consider the proposal would fall within Schedule 1 EIA.
17. SLR have scoped the proposal to include assessments on the following:
 - Flooding – Minor water courses and drainage strategy
 - Ground Conditions – Contamination, Geophysical
 - Archaeology
 - Social Economic
 - Alternatives
 - Ecological – On site, Habitat Regs due to emissions
 - Geological – SSSI and sterilisation issues
 - LVIA
 - Lighting
 - Transportation

Other Assessments:

- Waste Planning Assessment

- Design and Access Statement

18. Applicant has not decided whether a public consultation exercise will be undertaken and it is anticipated that an application will be submitted in December 2015.

19. RWW / GN, highlighted that undertaking a Health Impact Assessment would accord with best practise advocated within TAN 21 – Waste. It was also stated that following training on HIA's it was a tool that could be used to facilitate acceptance for such an application. The service would arrange contact with the Wales Health Impact Assessment Support Unit for guidance upon request.

20. RWW noted that a residential dwelling known as Green Farm was approximately 50 metres from the site's boundary. This could pose significant amenity issues - noise in particular as the facility will operate 24 hours and the site located in a quiet rural location. PB questioned whether any noise monitoring had been undertaken? WR confirmed that there had been initial monitoring undertaken, not at the noise sensitive receptor but at similar locations. PB stated that any monitoring work should be done in agreement with the Environmental Health department.

21. PB asked of measures that would be in place to deal with odour on site. He also asked about the effect such a development may have on local air quality, especially as there is only one air quality management area in Powys which was site specific in relation to the proximity of a dwelling to a busy highway.

22. PB requested that to avoid confusion and to accord with best practise, should a planning application be submitted an A1 Environmental Permit application be twin tracked with it.

23. DJ stated in relation to the effect the development may have upon the highway network; potentially Welsh Government may ask for additional works to be done which may be above and beyond what is proposed.

24. RWW asked if other modes of transport have been considered other than HGV in transporting feedstock to site and IBA off site, e.g. rail considering that the Quarry used to have a railway siding in place? AHB stated that this was not a viable option, but it may be considered.

Rick Bright – Landscape Architect

25. A Zone of Theoretical Visibility map has been prepared showing the potential geographical extent of theoretical visibility for the main aspects of

the proposed development. The zone of visibility appeared to show a North South pattern of visibility.

26. RB stated that local views would be quite limited and LVIA locations will need to be agreed in advance with the LPA.

Judith Harper – Waste and Resources Projects

27. Any public consultation exercise concerning the project will be done through “Remarkable Pendragon” and this would be towards the same time as submission – December 2015.
28. RWW asked if a Local Authority contract for waste was not secured, is it the intention of the applicant to develop the facility? It was stated that the plant would operate utilising industrial and commercial waste feedstock and that Energos plant is not limited to refuse / residual waste, it is flexible and can operate on different fuels.
29. If all things run smoothly it is anticipated that the plant will begin operating in early 2018.

3. Key Planning Policies

When assessing the merits of an application for a waste management facility, consideration and weight should be given to the UDP Policies, Planning Policy Wales (TAN21, the suite of Sector Plans), The Waste Regulations, The Waste Framework Directive together with other National Policies and guidance.

Further to the pre application submission together with the minutes; it appears the proposal is to divert Local Authority (Powys) waste together with Industrial and Commercial residual wastes from landfill to accord with national policy and targets. This is to secure value from the residual waste in the form of electrical and thermal energy and the production of recyclable materials such as metals and Incineration Bottom Ash (IBA). The proposal will therefore treat waste as a resource and move the residual waste up the Waste Hierarchy in accordance with the Landfill Directive, Article 4 (Waste Hierarchy) of the Waste Framework Directive, Planning Policy Wales, and other national waste policies and guidance.

The Collections, Infrastructure and Markets Sector (CIMS) Plan which is one of the suite of waste sector plans of the National Waste Strategy, looks to create conditions to enable as much waste as possible to be managed in Wales. In order to achieve this, Wales will have to establish a network of facilities to deal with the current and future waste arisings in accordance with the waste hierarchy. As significant new capacity is required, the proposal will be required to demonstrate the availability of these waste streams as advocated under Article 4 (Waste Hierarchy) and 16 (Principles of self-sufficiency and proximity) of the Waste Framework Directive and in delivering the Welsh Governments vision to recycle 70% of all waste by 2025 and aim for zero waste to landfill or recovery by 2050.

Whilst the Collections, Infrastructure and Markets Sector Plan seeks to encourage the provision of sufficient capacity of recovery infrastructure, there may be particular

spatial factors which have a bearing on whether facilities are needed. For instance where planning permissions already exist in an area they should be taken into account in determining the level of need. Consideration should be given to both existing operational capacity and proposed capacity in determining the level of need. For instance, the significance which can be attached to proposed capacity in determining the level of need will vary depending on the likelihood of facilities being built.

In accordance with Towards Zero Waste and the Collections, Infrastructure and Markets Sector Plan high efficiency energy from waste facilities are encouraged. 'High Efficiency' facilities are defined as those facilities which exceed the R1 Formula limits. The Welsh Government aims for energy from waste facilities to be 'heat enabled' to allow the subsequent development of combined heat and power options. Local planning authorities should support the development of appropriate energy recovery options for the optimal recovery of energy from residual waste, including the development of markets for heat output and processed combustion residues, as well as electricity. Combined heat and power, and heat only options, should be considered favourably where they meet high energy efficiencies. The spatial relationship between energy from waste facilities and heat users is an important factor in site choice. The siting of energy from waste installations should be in proximity to energy users. Likewise, site energy users should choose to locate in proximity to existing operational energy from waste facilities.

As explained in our meeting the Local Development Plan adoption process has not advanced sufficiently beyond deposit stage, and based on discussions with the Planning Policy department it is anticipated that the new Local Development Plan would be adopted towards the latter months of 2016 or early in 2017. As a consequence - no weight can be put to the Local Development Plan until that time and the current Powys Unitary Development Plan remains extant until July 2016. As the application is to be submitted before the end of 2015, weight can only be given to policies contained within the Powys Unitary Development Plan.

The key strategic planning policies that are relevant to this proposal are:-

- UDP policy SP4 - Economic and Employment Developments

This policy states that 55 hectares of land has been allocated for employment related developments during the UDP period (2001 – 2016). The policy states that developments on other additional sites in appropriate locations will only be acceptable where they would:

- i) Support and accord with the Council's strategic settlement hierarchy.
- ii) Encourage and facilitate sustainability.
- iii) Diversify or strengthen the local economy.
- iv) Contribute to countering the effects of agricultural restructuring; OR
- v) Take advantage of opportunities to process and add value to local agricultural, forestry and other produce: OR

- vi) Support the need for regeneration and job creation; OR
- vii) Sustain the vitality / viability of communities, including the provision of small village workshops; AND / OR
- viii) Take advantage of the potential offered by e-commerce and information technology.

- UDP policy SP11 – Waste Management

This policy states that the provision of an integrated and adequate network of waste management facilities would be supported in accordance with regional waste plans and waste management and recycling strategies and plans. Proposals should incorporate sustainable principles for waste management processes and proposals would be assessed sequentially as to whether they:

- i) Reduce the creation of waste;
- ii) Re-use waste;
- iii) Recycle or recover waste;
- iv) Convert waste to energy;
- v) Dispose of waste to landfill with minimum environmental impact.

Proposals for sites and facilities that would reuse, recycle, recover, treat or safely dispose of waste will be required to demonstrate that they are the most sustainable option.

- UDP policy SP12 – Energy Conservation and Generation

This policy requires that:

- a) All developments shall demonstrate that energy conservation and efficiency measures have been considered and, where practicable, incorporated.
- b) Proposals for energy generation from renewable sources will be approved providing that they meet the landscape, environmental, amenity and other requirements set out within the UDP.

4. General planning policies that should be considered in relation to this development.

The plan-led system for development control requires all planning applications to be determined in accordance with the relevant policies of the UDP unless material considerations indicate otherwise. The following general development control, design and environmental policies will apply to this proposal and they should be read alongside the key planning policies identified.

- UDP policy GP1 – Development Control

This policy requires that proposals will only be permitted if they take into account – where appropriate the following considerations:

1. The design, layout size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area;
2. The design, layout and lighting of the development shall minimise the potential for crime;
3. The amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by levels of noise, light, dust, odour, hours of operation or any other planning matter;
4. Adequate utility services shall exist or be capable of being readily and economically provided without unacceptable adverse effect on the surrounding environment;
5. Important trees, hedgerows, stone walls, open spaces and other local features that contribute significantly to the quality and character of the local environment shall be safeguarded and, where practicable, enhanced;
6. Developments shall be landscaped using appropriate indigenous species or materials which complement and enhance the character of the locality.

UDP policy GP2 – Planning Obligation

This policy will require planning obligations to be sourced by agreement with applicants, where appropriate, to ensure that the development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance arrangements are achieved; and benefits in the public interest are secured where these are relevant and reasonably related to the proposal, and required to enable it to proceed.

UDP policy GP3 – Design and Energy conservation

This policy requires that all proposals for development should make a positive contribution to their local environment and community through imaginative and good quality design, layout, materials and landscaping in accordance with the policies of the UDP. A design statement shall accompany all detailed applications and will describe the actions taken to design and adapt the development to fit its location. Wherever practicable, developments shall be designed to reduce energy consumption and maximise energy conservation through the use of appropriate materials, design, layout and orientation.

Further information in relation to the preparation and submission of a design and access statement can be found within TAN 12 – Design.

UDP policy GP4 – Highway and Parking requirements

This policy states that permission for development proposals will be dependent on adequate provision for:

1. Highway access including visibility, turning, passing, dropped kerbs, circulation, and servicing space.
2. Parking in compliance with the county council's guidelines. The standard of parking provision required will be determined by both the nature and location of the development, its accessibility to services by public transport, walking or cycling, environmental considerations and any transport assessment and travel plan required under UDP policy T3. In support of the principle of maximum parking standards, planning obligations may be sought for improvements to public transport services and/or facilities for walking and cycling. All parking areas should be well designed in terms of safety, circulation and appearance and assist access by pedestrians, cyclists and the mobility impaired.

Environmental Planning Policies that should be considered in relation to this application

UDP policy ENV2 – Safeguarding the Landscape

This policy requires that proposals for the development and use of land should take account of the high quality of the landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape. Where appropriate, account will also need to be taken of the special qualities or reasons for designation of the Brecon Beacons and Snowdonia National Parks. Proposals which are acceptable in principle should:

1. Contain appropriate measures to ensure satisfactory integration into the landscape;
2. Not unacceptably adversely affect features of importance for nature conservation or amenity; and
3. Not result in significant damage to ancient and semi-natural woodlands and should seek to conserve native woodlands, trees and hedgerows.

UDP policy ENV3 – Safeguarding biodiversity and natural habitats

This policy states the need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance for wild flora and fauna is recognised. Wherever possible, those interests will be protected against adverse forms of development and they will be maintained within development proposals.

UDP policy ENV4 – Internationally Important Sites

This policy requires proposals for development that might affect Special Protection Areas (SPAs) and potential SPAs, special areas of conservation (SACs) and candidate SACs or listed Ramsar sites, may only be permitted where:

- a. They are directly connected with or necessary to the management of the site for nature conservation; or

b. They will not significantly affect the achievement of the conservation objectives for which the site is designated either individually or in combination with other proposals.

UDP policy ENV5 – Nationally Important Sites

This policy gives a presumption against proposals for development likely to damage, either directly or indirectly, the nature conservation interest of National Nature Reserves or Sites of Special Scientific Interest. Developments will only be permitted where the benefits clearly outweigh the nature conservation value of the site and conditions will be attached to any permission or a planning obligation sought to ensure acceptable safeguarding nature conservation features or appropriate compensatory or mitigation to offset the impact of the proposal.

UDP policy ENV 6 – Sites of Regional and Local Importance

This policy states that development proposals unacceptably or adversely affecting the conservation interest of sites of regional or local nature conservation, geological or geomorphological importance will be refused. Where development is considered to be acceptable a condition may be attached to any permission or a planning obligation sought to ensure satisfactory provision for the safeguarding of features of nature conservation, geological or geomorphological importance within the proposed development; or appropriate compensatory or mitigation to offset the impact of the proposal.

UDP policy ENV 7 – Protected Species

This policy states that developments which contravene the protection afforded to European protected species will only be permitted where they are necessary in the interests of public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. Evidence will be required to indicate that a developer has considered alternative sites for the development but that these have not proved suitable. Where other protected species are affected by a proposal, the applicant must conform to any statutory protection provisions and conditions to safeguard the species within the development and to provide appropriate mitigation measures.

UDP policy ENV 18 – Development Proposals affecting archaeological sites

This policy states that where it appears that a proposed development may affect a site potentially containing important archaeological remains, the applicant will be requested to undertake an archaeological field evaluation before determining any planning application.

UDP policy EC1 – Business, Industrial and Commercial Developments

This policy states proposals for business, industrial or commercial developments will be permitted where they would comply with the following criteria:

1. The development would be located within a settlement or in another location complying with the economy policies in the UDP and would be of a scale and type in keeping with this plan's sustainable settlement and business sites hierarchies;
2. The development would not have an unacceptable impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings;
3. Wherever possible, proposals should utilise an existing building or previously developed or disused "brownfield" land.
4. The development should be accessible by a choice of means of travel including foot, cycle and public transport. the proposal should not be detrimental to highway safety and approach roads to the site should be of adequate quality to accommodate any additional traffic likely to be generated by the development;
5. The proposed development would not increase or inhibit traffic circulation to the extent that the amenity of the area is unacceptably adversely affected in terms of congestion, pollution, highway safety or other disturbance;
6. Where relevant, a condition will be imposed on any grant of planning permission or a planning obligation sought, in order to secure necessary highway, public transport or other highway infrastructure improvements;
7. The development would be sited and designed to minimise pollution including airborne emissions, discharges to watercourses and adverse effects upon groundwater;
8. The proposals would be sited and designed to avoid flood risk areas and to avoid creating or increasing flood risk elsewhere;
9. Wherever possible, proposals for development should be located where they could take advantage of opportunities afforded by proximity to complementary uses such as the development of waste stream technologies, shared use of renewable energy and technology clusters.

UDP policy T3 – Transport Assessments and Travel Plans

This policy requires planning applications that are considered to generate significant amounts of travel will only be approved where they include a satisfactory transport assessment and a travel plan. Proposals that generate significant travel demands will only be permitted where adequate public and other sustainable forms of transport are incorporated as part of the proposal and are consistent with the role and function of the road network.

UDP policy T4 – Transport User Hierarchy

When considering development proposals the council will expect the layout and design of development proposals to sensitively take account of the needs of all transport users from the outset and in the following order of priority:

- Pedestrians, those with impaired mobility and emergency services
- Cyclists
- Public transport, taxis, essential deliveries
- Private motor vehicles

UDP policy T11 – Road and Rail freight interchanges

New road-rail freight interchange facilities will be approved on appropriate sites including existing industrial commercial sites and allocated business sites adjacent to railway lines providing they do not have an unacceptable impact on the local environment or on existing or proposed passenger services.

UDP policy E1 – Large scale “thermal” power stations

This policy states proposals for plant to produce electricity via the combustion process (over 5MW electrical capacity) will only be granted in exceptional circumstances.

UDP policy MW1 – Mining and Waste disposal

In relation to waste, this policy states proposal for the recycling, composting, transfer or disposal of waste will be permitted where the following criteria can be met:

1. All proposals will be expected to include a satisfactory vehicular access onto the public road network and that access should conform to the criteria set out in policy mw13.
2. Proposals should not involve the use by vehicles of highways that are of a residential or town centre character, have restricted facilities for the passing of vehicles or include steep gradients or substandard junctions.
3. Operations, excluding maintenance and other works essential for safety and pollution control, should take place only between the following hours:
 - Mondays to Fridays - 07.00 am and 18.00 pm.
 - Saturdays - 08.00 am and 13.00 pm.
 - Sundays, bank and public holidays – no operations should take place.

Exceptions will only be permitted where it can be clearly demonstrated that they can be undertaken in compliance with policy mw14 (noise), policy mw15 (reversing alarms), there would be no significant light pollution or adverse impact upon residential property and there would be no goods vehicles entering or leaving the site outside the stated hours.

4. Proposals will be expected to include measures to ensure that dust emissions would be within acceptable limits particularly having regard to the proximity of residential property and/or commercial undertakings carrying out operations of a dust sensitive nature. Waste disposal operations should demonstrate high standards of litter control.

5. Proposals will be expected to include full and adequate provisions for the prevention of pollution to watercourses or groundwater. it is anticipated that such

provisions will include facilities for the treatment of surface water run-off, the collection and treatment of leachate and the containment of leaks or spillages of potential pollutants such as vehicle fuel.

6. The operations involved would not pose a significant risk to human health, water, air, soil, plants or animals.

7. Any proposal which would physically disturb aquifers, alter groundwater levels or impede or intercept groundwater flow, will be the subject of careful examination and proposals with an unacceptable adverse effect will be refused.

8. Proposals will be expected to comply with the criteria set out in policy env2 in respect of landscape conservation and policies ENV 3-7 in respect of nature conservation.

9. Any proposals interfering with the natural watercourse systems will be subject to careful examination and those with an unacceptable impact will be refused. Proposals will need to address the need for maintenance access to all watercourses and their capacity to accommodate increased run-off and pumped discharges. Proposals that include the culverting of natural watercourses will not normally be acceptable.

10. Any proposal interfering with public rights of way will be the subject of careful examination and proposals that include the interruption of public rights of way will be expected to provide alternative acceptable lines for such and proposals having an unacceptable adverse impact will be refused.

11. Any proposal that involves the loss of natural flood plain, even for a temporary period/s, will be the subject of careful examination and proposals having an unacceptable impact will be refused.

12. Proposals should comply with the technical policies MW13 – MW22.

13. Proposals will include a restoration and aftercare scheme that clearly demonstrates that a high standard of beneficial after use will be achieved in accordance with policy MW5 or policy MW20.

UDP policy MW4 – Safeguarding at Buttington Brickworks

This policy requires approximately 13 hectares of land to the northeast of Buttington brickworks to be safeguarded for the possible extension of the mineral working area. Alternative development proposals which would prejudice the consideration of any planning application for such working or limit the actual working of the shales will be the subject of very careful scrutiny and would need to demonstrate a need that would outweigh the advantages in safeguarding the possible extension to the life of the brickworks.

UDP policy MW11A – Sites for Waste Management facilities

This policy states that waste management facilities, including disposal and treatment plant, will be permitted on general business sites listed for B2 uses as identified in policy EC2 subject to their compliance with policy mw1.

UDP policy MW13 – Access onto a highway

This policy requires vehicular access from a proposed mineral working or waste disposal site onto the public highway should not prejudice highway safety and shall comply with generic policy GP4.

UDP policy MW14 – Noise

this policy requires proposals for waste disposal sites to be designed to comply with the following criteria:

A. BETWEEN THE HOURS OF 0700 - 1900

- 55 DB(A) (1 hour), where background noise levels exceed 45 DB(A).
- Background noise levels + 10 DB(A) (1 HOUR), where background noise levels are less than 45 DB(A).

B. Between the hours of 1900 - 0700

- 42 DB(A).

2. The noise should be monitored at several points on or near the boundary of the working site that are chosen to be largely free of extraneous noise and suitably positioned in relation to the noise sensitive properties. The limits at these points should ensure that the limits at the noise sensitive properties are not exceeded and may be calculated by using the prediction methods contained in bs5228 and taking into account the attenuation provided by distance, soft ground and barriers.

3. Although there would be likely to be no specified limits to noise emissions during site preparation and baffle construction periods of the overall operation, the Planning Authority would need to be convinced that such operations would not present an unacceptable impact on the amenities of local inhabitants.

***NOTE:** All noise limits in Policy MW14 are to be taken as “freefield” measurements, i.e. at least 3.5 metres away from a building’s facade.

UDP policy MW15 – Reversing Alarms

This policy requires proposals for waste disposal sites to include measures to limit to a minimum (consistent with safe working) disturbance to the occupiers and users of neighbouring properties by reason of vehicle reversing alarms or other noises with outstanding tonal qualities. Applicants will need to demonstrate that the most appropriate option(s) have been adopted.

UDP policy MW16 – Dust and Litter

This policy will require development proposals for waste disposal or processing to include acceptable proposals in respect of dust and, where appropriate, litter control measures. It is anticipated that the principle that would be adopted would be that of "Best Available Techniques not entailing excessive cost".

Policy MW17 – Settlement Lagoons

This policy will require developments where water settlement lagoons are proposed to be designed in a manner that facilitates their use and retention (possibly with modification following the cessation of works) as features of value as wildlife habitats.

Policy MW18 – Geomorphology, Archaeology and History

This policy states that proposals for the deposition of waste will be required to comply with the relevant policies in the environment chapter of the UDP and to include an assessment of the geomorphological, archaeological and historic content and value of the site to be worked or otherwise affected. Proposals that involve the destruction of damage to or an adverse affect on the setting of, known sites, features or structures of geomorphological, archaeological, historic or architectural interest will be the subject of careful examination.

UDP Policy MW19 – Developments affecting sites of Geological or Paleontological Interest

This policy state, where excavation works are known in advance or are subsequently revealed to be of geological or Palaeontological interest, facilities for research purposes should be offered to suitable educational, scientific or cultural establishments, if safety criteria can be met. Worked out areas known to be of geological interest, for research or educational reasons, should be considered as sites appropriate for suitable restoration which enhances their value. the disposal of waste in such sites would be the subject of very careful scrutiny and proposals prejudicing important geological or Palaeontological sites may be refused.

UDP Policy DC3 – External Lighting

This policy states proposals involving external lighting will not be permitted where they would cause:

1. A nuisance or hazard to highway users;
2. Unacceptable levels of light pollution, especially in the countryside;
3. Harm to the character and appearance of any building or the surrounding environment;
4. Adverse impact on wildlife. Special consideration will be given to those proposals essential for public safety.

UDP policy DC15 – Development on unstable or contaminated land

This policy requires proposals to develop land known or suspected to be unstable or contaminated would only be permitted where the applicant demonstrates that the proposal will not:

1. Result in problems of ground instability or contamination either on or off site.
2. Unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests. Planning applications shall be accompanied by a specialist site investigation report, which shall provide evidence on the nature and extent of ground instability or contamination and any remedial measures to overcome these problems. Where remedial works are acceptable, conditions will be

attached to any planning permission or a planning obligation by agreement sought to ensure that these are carried out before the development commences.

5. Identification of key constraints

Need

As highlighted within the national planning section, when assessing the merits of an application for a waste management facility, justification is required as to whether the facility is needed. This should be done by assessing the availability of wastes (Local Authority, Commercial and Industrial) that could be accommodated at the proposed facility in both the short, medium and long term (up until the year 2050) in accordance with national planning policy and guidance and the proximity principle. In this respect, consideration should be given to both existing operational capacity and proposed capacity in determining the level of need. For instance, the significance which can be attached to proposed capacity in determining the level of need will vary depending on the likelihood of facilities being built, whether they have been commissioned, whether pre-commencement conditions have been discharged, distance waste needs to travel and whether an environmental permit is in place.

The development proposal being classified as a disposal or recovery operation and its siting in proximity to energy users

It was mentioned in the meeting, that in order for the proposal to be classed as a recovery operation as defined in the R1 formula, the plant will need to utilise 1MW of heat. Further information will be required so that discussions can be had with NRW on whether the proposal will be classified as a disposal or recovery operation. Mention was also given that waste heat from the facility may be utilised in the development of poly tunnels. TAN 21 states that spatial relationship between energy from waste facilities and heat users is an important factor in site choice. The siting of energy from waste installations should be in proximity to energy users and likewise energy users should choose to locate in proximity to existing operational energy from waste facilities. It does not appear that existing activities within Buttington Quarry or in close proximity to the site currently requires power in the form of heat and as the site is not allocated for employment purposes, it is difficult to foresee how this will change. As for the development of a district heating network, the village of Trewern is at a distance of approximately 1km from site, and may be too far for the development of a heating system. Without trying to utilise heat in association with current uses within the Quarry e.g. brick manufacturing or any other current or ancillary uses; it will be difficult to factor how the spatial relationship between the proposed facility and heat users can be met.

Departure from planning policy

The site subject to this pre application exercise is not allocated as employment land as specified within policy SP4 of the UDP. Should a formal application be submitted it would be dealt with as a departure to planning policy and justification as specified within criteria i to viii of the policy, will be required to demonstrate the appropriateness of this proposal on this site.

The sterilisation of minerals

The proposal is to be located within the mineral planning boundary of Buttington Quarry. Mineral Planning Policy Wales together with Policy MW 4 “Safeguarding at Buttington Brickworks” highlights the need to identify where mineral resources of commercial significance exist and safeguard it for the future development of the working area; this area is included within UDP inset map Mm203 Buttington Brickworks. Therefore, Policy MW 4 states that alternative development proposals which would prejudice the consideration of any planning application for such working or limit the actual working of the shales will be the subject of very careful scrutiny and would need to demonstrate a need that would outweigh the advantages in safeguarding the life of the brickworks. Therefore, it is suggested that a discussion is had in order to assess how the proposal can accord with the requirements of this policy.

The classification of the site as previously developed land

It should be noted that condition 17 of ROMP M/1197/0088 relates to the restoration of the quarry. Planning Policy Wales specifically states that such sites should not be considered as brownfield as by virtue of the planning condition, such sites will be restored to greenfield status. Mineral Planning Policy Wales, further notes that restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long term quality of land and landscapes taken for mineral extraction. Although acknowledged that a certificate of Lawfull Development was issued for B8 use at a western section of the proposed site (reference P/2012/1445); justification will be required in accordance with the principles of sustainable development advocated within Planning Policy Wales and also UDP policy MW5 as to the suitability of this site.

LANDMAP classification in relation to the site

The proposed development site, although permitted for mineral development abuts the open countryside. LANDMAP classification has the site within the Crewgreen to Forden Hill and Scarp aspect area. The landscape is described as forming the topographical transition between the upland peaks of Breidden Hill and Long Mountains and the floodplain of the River Severn, typified by a patchwork of grazed and some low intensity arable farming with managed hedgerows, occasional patches of woodland lie along stream courses and in lower lying areas. Such landscapes are far from ideal for the development of an ERF as shown within the indicative drawings submitted and would not generally accord with policy ENV 2. Therefore it would be extremely difficult in justifying such a development at this location in accordance with UDP policies ENV2, GP1, SP12(b) and MW1.

The site in relation to the nearest residential receptor

There are concerns as to the location of the nearest residential receptor in relation to the proposed site. It appears that the property known as Green Farm is at a distance of approximately 50 metres from the site boundary. From the Services’ experience in

dealing with comparable developments and in discussion with the Environmental Health Department, there are concerns that the type of plant proposed may create significant tonal or low frequency noise together with high levels of broadband noise. In accordance with UDP policies GP1 (3), MW1 (3), MW14, it will be extremely difficult to demonstrate that a noise assessment conducted in accordance with BS4142:2014, which has superseded BS5228 stated within MW14 as the appropriate standard for the assessment of noise from industrial and commercial developments; can conclude that the proposal will not adversely affect upon the amenities enjoyed by occupants of nearby properties and will not give rise to complaints. There are also concerns in relation to odour and dust that such a facility may have on the amenity of close residential receptors.

6. Consultation responses from other Council services

Below are summaries of comments received by Council Officers as part of the pre application consultation process together with responses following the meeting held on the 23rd September, 2015. Please note that although some officers have not commented to date, this does not mean that they will not comment as part of the Scoping Opinion and/or planning application.

Graham Astley (Land Drainage Engineer)

Any planning application will need to include details of surface water management. Surface water drainage from developments can, if not properly controlled, significantly increase the frequency and size of floods in the watercourses that receive the surface water drainage. TAN15 promotes the use of sustainable drainage systems (SuDS). It states that if sustainable drainage systems cannot be implemented, conventional drainage systems will need to improve on the status quo.

The provision of attenuated measures or sustainable drainage systems within a scheme should be subject to a planning condition.

A Land Drainage Consent from Powys CC may be required for any work that interferes with the Ordinary watercourse system that passes adjacent to the development site. Further advice/guidance in respect to consents can be sought from the website <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>

Paul Wozencraft (Senior Development Control Engineer – Highways)

There are concerns from a County Highway perspective as to where the waste streams will be coming from. Therefore traffic to the site could utilise various transport routes, the effects of the increased levels of traffic upon the county highway should be considered and included in the Transport Assessment.

The access to the site is from the trunk road, it is recommended that the opinion of the trunk road agency is sourced.

Should this proposal fall within EIA development it is suggested that a scoping opinion is sourced; such an exercise will allow the Local Authority to formally state what is required to be submitted as part of a Transport Assessment.

Paul Bufton (Senior Environmental Health Officer – Environmental Protection)

Concern is expressed regarding the close proximity of residential properties to the site; the closest being approximately 50 metres to the site boundary. Serious consideration should be had in relation to noise, air quality, dust, litter and odour such a facility at this location may have upon amenity.

Concern is raised in relation to the proposed locations for noise / acoustic measurements that are to be undertaken so they are measured at appropriate receptors. The EH department would require an input in deciding on monitoring points.

There are concerns as to possible air emissions from such a plant. The proposal would need to demonstrate compliance with National Air Quality Objectives. The air quality assessment would need to address potential implications on local air quality from construction activities, vehicle movements, combustion process, stack height, design and dispersion, fugitive odours and bio aerosols.

It was strongly suggested that any application should be twin tracked with an A1 Environmental Permit Application governed by NRW in accordance with good practise.

Should this proposal fall within EIA development it is suggested that a scoping opinion is sourced, such an exercise will allow the Local Authority to formally state what is required to be submitted as part of a Noise Assessment, Air Quality Assessment and any other assessments required in relation to Environmental Health concerning the proposal.

Nina Davies – (Countryside Access Officer)

There are no footpaths on site that may be affected as a consequence of this development.

Anthony Bullen (Contaminated Land Officer)

The site adjoins an area of mining and quarrying and could be a potential source of land contamination. In accordance with Planning Policy Wales (2014) it is recommended, as a minimum, a preliminary investigation in accordance with current guidance and best practise such as, DEFRA/Environment Agency publication CLR11 'Model Procedures for the Management of Land Contamination' (2004) and British Standards publication BS1015:2011+A1:2013 'Investigation of Potentially Contaminated Sites – Code of Practice' is submitted. If the preliminary risk assessment identifies that there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, prepared by an experienced environmental consultant, should be submitted for review and approval prior to being undertaken.

Ashley Collins (Waste and Recycling Strategy Manager)

No comment

Rachel Price (Ecologist)

No comment

Jenni Thomas (Regeneration Manager)

No comment

7. Consultation responses from other organisations

David Jones (Trunk Road Agency)

The proposal intends utilising the existing access to Buttington Quarry rather than the consented new access.

It was noted that Welsh Government may insist on additional highway improvement works to be done as part of the proposal

Iolo Tegid (Welsh Government Trunk Roads)

Any Transport Assessment should include current traffic figures, these figures should form the modelling work in relation to proposed construction and operating traffic.

Natural Resources Wales

The site layout plan indicates that the proposal is to take place adjacent to the Buttington Brickworks SSSI. Any planning application should include details of how access to the existing quarry area that is located within the Buttington Brickworks SSSI will be maintained as part of the proposed development. This should include both people and vehicle access.

It will be a requirement to demonstrate that the proposal will not be likely to result in a significant effect on a European site, either alone or in combination with other plans, projects and developments.

With regards to determining the screening radius for an Air Quality Assessment, this would be based on the net rated thermal aggregated input in MegaWatts (MWth). For example, if larger than 50MWth, then the screening radius is 10km. Any Air Quality Assessment should follow the guidance provided in the 'Horizontal guidance: environmental permitting', in particular the guidance outlined in section H1 prepared by the Environment Agency. The Guidance should be regarded as appropriate for the type & size of combustion process that is going to be used. A copy of the guidance is available by using the following link;

<https://www.gov.uk/government/collections/horizontal-guidance-environmental-permitting>

The Local Planning Authority is the lead authority for implementing the Air Quality Regulations. We recommend that the applicant engages in pre-application discussion with the LPA in order to determine the level of information that the planning application will need to include with regards to assessing the potential effect of the proposal on air quality.

NRW will assess the implications of the proposal on Air Quality under the permit application process and there would be a need to demonstrate that any dust generated by the development including during construction and operation would not be above any damaging levels which would include potential impact on ecological and designated habitats receptors as well as the local community.

We would expect the application to include details of any required mitigation that would avoid any damaging levels of dust falling outside the site boundary.

We would encourage pre-application discussions with the NRW permitting team in order to determine the extent of any Air Quality Assessment in support of the permit application.

Any planning application will need to consider the impact of the proposal on protected species and demonstrate that the proposal will not impact on the Favourable Conservation Status of European and Nationally protected species.

Should surveys conclude the presence of protected species, then we would expect the applicant to propose and deliver appropriate mitigation and/or compensation schemes, along with Reasonable Avoidance Measures, to ensure the favourable conservation status of the species is maintained.

Badger sets are known to exist in the wooded areas around the quarry and therefore we would expect any planning application to include Badger Surveys and appropriate mitigation/compensation schemes along with RAMS where appropriate. Please be aware that the development may only proceed under derogation licence should surveys confirm presence.

The submission will need to include information about other ecological interests to allow your Authority to take account of your duty under Natural Environment and Rural Communities (NERC) Act (2006) when assessing the proposal.

NRW will assess the implications of the proposal on odour levels as part of the permit application. That application will therefore need to include adequate information to assess any impact.

We also recommend that the applicant engages in pre-application discussion with the LPA in order to determine the level of information that the planning application will need to include with regards to assessing the potential effect of any odour arising from the development.

Any planning application will need to include details of surface water management, an assessment of impact on groundwater including a groundwater protection plan.

A Land Drainage Consent may be required for this work from the Local Drainage Authority.

The development will require a permit under the Environmental Permitting Regulations 2010. We recommend that the planning application and permit application is submitted in parallel. This will also allow any potential issues to be resolved together for both applications.

We recommend that the applicant discuss any permit application with the local NRW office as soon as possible in order to scope the assessment requirements. Additional guidance on 'Environmental Permitting' can be accessed: by using the following link; <https://www.gov.uk/environmental-permit-check-if-you-need-one>

8. Identification of surveys, assessments

Environmental Impact Assessment

As discussed in our meeting, it was suggested that the proposed application would fall within the remit of Schedule 1, EIA development. Notwithstanding, the Local Planning Authority consider it necessary to undertake a formal screening exercise as part of the pre application submission (Attached). On the basis of the information contained in your pre application literature, the proposal **does** fall within the description of development under paragraph 10 to Schedule 1; 'Waste disposal installations for the incineration or chemical treatment (*as defined in Annex IIA to Council Directive 75/442/EEC under heading D9*), of non-hazardous waste with a capacity of 100,000 tonnes of non-hazardous waste and it's treatment through gasification (termed as a physico-chemical treatment followed by incineration on land within Council Directive 75/442/EEC).

Subject to the Screening opinion undertaken, it is strongly suggested that should you wish to proceed with the submission of a planning application a formal scoping opinion is sourced from the Local Planning Authority.

Other Surveys and Assessments

Should you wish to proceed with the submission of a planning application, a Design & Access Statement for the proposal must be submitted together with the submission of a Waste Planning Assessment. In relation to a Waste Planning Assessment, it is advised that the guidance notes submitted within TAN 21 – Waste is adhered to. Should you wish to discuss this facet of the submission further, please do not hesitate in contacting.

As discussed in our meeting of the 23rd September. It was advised that in accordance with the requirements of TAN 21 – Waste, such a proposal will require the undertaking and submission of a Health Impact Assessment (HIA). The

requirements of a HIA can be discussed further as part of the suggested scoping exercise, in which Public Health Wales Protection Division will be consulted.

9. Potential Planning obligations

Your attention is drawn to UDP policy GP2 – “Planning Obligation.” Should you wish to proceed with the submission of a planning application the requirement of a planning obligation may be necessary. Planning gain usually arises in situations where benefits are sought for the wider community as part of a development which are relevant and reasonably related to the proposal and required to enable the development to proceed. This should be discussed further prior to the submission of a planning application.

10. Conclusion and Informal opinion of the North Wales Minerals and Waste Planning Service

It is very unfortunate that your proposal has not been discussed from the outset with the Local Planning Department. Early dialogue may have resulted in the identification of other sites that may be better suited for such a development. As stated within the contents of this report there are major issues associated with the proposal that needs to be overcome. Namely;

- The availability of feedstock and need for the development,
- Whether the development proposal is classified as a disposal or recovery operation and its siting in proximity to energy users;
- The sterilisation of mineral resource;
- The site not being allocated for employment use;
- The greenfield classification of the site;
- The site being located within the open countryside;
- The proximity of the site to residential receptors.

Such concerns may not be able to be overcome through the submission of a planning application and it may be worthwhile in reconsidering the whole proposal. Should you wish to discuss any of the points raised, please do not hesitate to contact. However, if it is your intention to proceed with the submission of a planning application it is advised that a further meeting is scheduled.

DISCLAIMER

Any views or opinions expressed are given in good faith, without prejudice to the consideration given to any planning application. Any pre-application advice provided does not bind the local planning authority to any specific outcome. When a formal planning application is submitted, the final decision cannot be made until the Council has consulted with local people, statutory consultees and any other interested parties. In accordance with Section 38(6)

of the Planning and Compulsory Purchase Act 2004, we will determine applications in accordance with the Development Plan, unless material considerations indicate otherwise. You should also be aware that officers cannot guarantee the final formal decision made on an application.